

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

UNITED STATES OF AMERICA

v.

KILMAR ARMANDO ABREGO GARCIA,

*Defendant.*

No. 3:25-cr-115

Judge Barbara D. Holmes

**MOTION TO MODIFY RELEASE CONDITIONS AND ISSUE  
RELEASE ORDER**

Defendant Kilmar Armando Abrego Garcia's release on bail has been stayed, at his request and with the government's consent. (*See* Dkt. 97). Mr. Abrego now respectfully requests that, upon the expiration of that stay, this Court issue a release order consistent with the release conditions outlined during the hearing on June 25, 2025, subject to two modifications outlined below.

On June 25, 2025, this Court conducted a release hearing, setting the conditions that would apply to Mr. Abrego in the event of his pretrial release into the community. (*See* Dkt. 58). But because the defense sought, and Your Honor granted, a stay of the issuance of the release order in light of uncertainty as to whether the government would institute third country removal proceedings upon Mr. Abrego's release (*see* Dkt. 63, Dkt. 67), no release order was entered. On July 23, Judge Crenshaw denied the government's motion for revocation. (*See* Dkt. 96). That same day, the United States District Court for the District of Maryland ordered the government to restore Mr. Abrego to ICE Supervision in Maryland, and forbade the government from taking Mr. Abrego into custody on an ICE detainer upon release from criminal custody. *See Abrego Garcia v. Noem*, No. 25 Civ. 951 (D. Md. July 23, 2025), ECF 239. That court also ordered the government to provide Mr. Abrego with 72-hours' written notice before removing him to a third country. *Id.* Mr. Abrego sought a further stay of the issuance of the release order given the continued uncertainty regarding the status of Mr. Abrego's immigration proceedings, which the Court granted. (*See* Dkt. 93, Dkt. 97). That stay will expire on August 22. (*See* Dkt. 97). As that date approaches, Mr. Abrego now asks the Court to issue the release order once the stay expires.

When it does so, Mr. Abrego asks that the Court modify the release conditions outlined by Your Honor at the June 25 release hearing—which relied in part on the assumption that Mr. Abrego would be released directly into ICE custody—to account for the July 23 order from the District of Maryland. In light of that order, Mr. Abrego will have to organize his own travel from Tennessee

to Maryland to begin his pretrial release. Accordingly, Mr. Abrego moves to modify his release conditions to allow him 48 hours to report to pretrial supervision in Maryland. *See, e.g.*, Order Denying Motion for Detention, *United States v. White*, No. 21 Cr. 129 (M.D. Tenn. May 27, 2021), Dkt. 66 (“Defendant shall be free to leave the federal courthouse to travel to Houston, Texas. Defendant shall arrive in Houston no later than noon on Saturday, May 29, 2021, to remain in the custody of the designated third-party custodian and in compliance with all conditions of release.”). In addition, in the event of a release hearing, Mr. Abrego requests that the release order provide for his return transportation by the U.S. Marshals Service from court back to the detention facility where he has been housed to date, and that he may be released from that facility as soon as is practicable. Counsel is retaining a private security firm that has experience providing court-approved pre-trial transportation and security services in criminal cases to transport Mr. Abrego from Tennessee to Maryland upon release. Counsel is available to answer questions the Court may have about these plans, but respectfully requests permission to provide additional information under seal in order to protect Mr. Abrego’s safety.

Finally, Mr. Abrego requests that the Court include in the release order a requirement that, should Mr. Abrego be taken into ICE custody following his return to Maryland, ICE authorities ensure that his attorneys can access him, both physically and via telephone, to allow Mr. Abrego to prepare for trial. *See, e.g.*, *United States v. Veloz-Alonso*, 910 F.3d 266, 270 (6th Cir. 2018) (finding no conflict between the Bail Reform Act and the INA when ICE takes those released from pretrial detention into immigration custody, but only where ICE does not “impair[] th[e] purpose of the BRA,” including “ensur[ing] the appearance of criminal defendants at judicial proceedings”); *United States v. Santos-Flores*, 794 F.3d 1088, 1091 (9th Cir. 2015) (“If the government, by placing Santos-Flores in immigration detention or removing him, jeopardizes the

district court's ability to try him, then the district court may craft an appropriate remedy."); *United States v. Villatoro-Ventura*, 330 F. Supp. 3d 1118, 1142 (N.D. Iowa 2018) ("For example, if a defendant released under the BRA is taken into ICE custody, transferred to a facility in another part of the country and actually (or practically) deprived of access to his federal criminal defense attorney, due process concerns would naturally arise.").

Dated: August 19, 2025  
New York, New York

Respectfully submitted,

/s/ Sean Hecker  
Sean Hecker\*  
Jenna M. Dabbs\*  
David Patton\*  
HECKER FINK LLP  
350 Fifth Avenue, 63rd Floor  
New York, NY 10118  
Telephone: (212) 763-0883  
Fax: (212) 564-0883  
shecker@heckerfink.com  
jdabbs@heckerfink.com  
dpattton@heckerfink.com

\* admitted *pro hac vice*

Rascoe Dean (No. 034209)  
SHERRARD ROE VOIGT & HARBISON PLLC  
1600 West End Avenue, Suite 1750  
Nashville, Tennessee 37203  
Telephone: (615) 742-4200  
Fax: (615) 742-4539  
rdean@srvhlaw.com

*Counsel for Defendant Kilmar Armando  
Abrego Garcia*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 19, 2025, I electronically filed the foregoing document with the clerk of the court by using the CM/ECF system, which will send a notice of Electronic Filing to the following: Acting United States Attorney, Robert E. McGuire, 719 Church Street, Suite 3300, Nashville, Tennessee 37203; Assistant United States Attorney, Jason Harley, 210 Park Avenue, Suite 400, Oklahoma City, Oklahoma 73102.

/s/ Sean Hecker